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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,451	06/25/2001	Aldo Alejandro Duran	AUS920010499US1	8678

35525 7590 07/15/2004

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EXAMINER

ROCHE, TRENTON J

ART UNIT PAPER NUMBER

2124

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,451

Applicant(s)

DURAN, ALDO ALEJANDRO

Examiner

Trent J Roche

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communications filed 25 June 2001.
2. Claims 1-43 have been examined.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words in length.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-4, 7-15, 16-19, 22-30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication US 2002/0138821A1 to Furman et al, hereafter referred to as Furman.

Per claim 1:

Furman teaches:

- a method of porting a program from a first platform to a second platform (“for providing seamless porting of source code originally written...for use under the Microsoft Windows operating system...to computers operating under other Operating Systems...” in the Abstract)
- converting at least one of filenames and a directory structure of the program from a first platform standard for the first platform to a second platform standard for the second platform (Note paragraph 0045 of the specification)
- storing the program for use with the second platform (“the files are sent to the second computer...” in paragraph 0011)

substantially as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Furman discloses a first platform standard including a flexible filename standard and the second platform standard including a restricted filename standard as claimed (“unlike the WOS, UOS is a case sensitive OS...” in paragraph 0045. The WOS (Windows operating system) is not case sensitive; therefore it is a more flexible standard as opposed to the UOS (UNIX operating system).)

Per claim 3:

The rejection of claim 2 is incorporated, and further, Furman discloses shortening filenames in the flexible filename standard as claimed ("the disk name ("c:") is stripped off of the full WOS path..." in paragraph 0045)

Per claim 4:

The rejection of claim 1 is incorporated, and further, Furman discloses a first platform standard including a flexible directory structure and a second platform including a restricted directory structure as claimed ("It should be noted that there are no disk drive names under UOS, at least not in the manner used under WOS..." in paragraph 0026)

Per claim 7:

The rejection of claim 1 is incorporated, and further, Furman discloses converting at least one of filenames and a directory structure of the program being performed in a build environment as claimed ("wherein said compilation is initiated by using Microsoft's Visual Studio" in claim 3. Visual Studio is a build environment.)

Per claim 8:

The rejection of claim 1 is incorporated, and further, Furman discloses converting at least one of filenames and a directory structure of the program being performed using a file editor as claimed ("wherein said compilation is initiated by using Microsoft's Visual Studio" in claim 3. Visual Studio includes a file editor.)

Per claim 9:

The rejection of claim 1 is incorporated, and further, Furman discloses modifying header files associated with files in the program to reflect the conversion as claimed (Note paragraphs 0041-0047. The system modifies the include header.)

Per claim 10:

The rejection of claim 1 is incorporated, and further, Furman discloses changing an original filename and directory structure to a modified filename and directory structure based on a mapping from the first platform to the second platform as claimed (“A path map allows mapping of shared files from their WOS notation to the UOS notation” in paragraph 0026)

Per claim 11:

The rejection of claim 10 is incorporated, and further, Furman discloses determining if the modified filename and directory structure already exists, and further modifying the modified filename and directory structure if the modified filename and directory structure already exist as claimed (“all possible combinations of upper and lower case options are checked prior to concluding that such a path does not exist. If the path is found under the UOS, it is used to map the WOS path...” in paragraph 0045.)

Per claim 12:

The rejection of claim 11 is incorporated, and further, Furman discloses notifying a user of a prior existence of the modified filename and directory structure, and receiving a selection of a new

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filename and directory structure from the user as claimed (“where the user can enter a path to a location...” in claim 34)

Per claim 13:

The rejection of claim 11 is incorporated, and further, Furman discloses replacing a character of the filename with a number of alternate character as claimed (“The next step is the conversion of the back slashes “\” into slashes “/”...” in paragraph 0045)

Per claim 14:

The rejection of claim 1 is incorporated, and further, Furman discloses compiling the program natively as claimed (“compiles said transferred code into source code native to said second computer” in claim 10)

Per claim 15:

The rejection of claim 1 is incorporated, and further, Furman discloses compiling the program using a cross-compiler as claimed (“When such code is detected, the apparatus of the present invention generates the necessary additions to make this code a legal code under the strict ANSI C++ standard” in paragraph 0031)

Per claims 16-19 and 22-30:

Claims 16-19 and 22-30 are directed to a computer program product for performing the methods of claims 1-4 and 7-15, respectively, and are rejected for the reasons set forth in connection with claims 1-4 and 7-15, respectively.

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Per claim 31:

Claim 31 is directed to an apparatus for performing the method of claim 1, and is rejected for the reasons set forth in connection with claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 20, 21 and 32-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication US 2002/0138821A1 to Furman et al, hereafter referred to as Furman, in view of the applicant's admittance of prior art, hereafter referred to as APA.

Per claim 5:

The rejection of claim 4 is incorporated, and further, Furman does not explicitly disclose that the restricted directory structure is a nonhierarchical directory structure. However, Furman does indicate that his invention is not limited to the specific embodiment outlined in the application, specifically wherein the first platform is a WOS and the second platform is a UOS. "For the remainder of this application, specific OS's and source codes are mentioned...it is noted that such specific language is not intended to diminish in any way from the general applicability of the invention to other OS's." (paragraph 0005). Furthermore, as discussed by the APA, the existence and use of the OS/400

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operating system, which consists of a nonhierarchical filesystem, was well known to one of ordinary skill in the art at the time the invention was made. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to port a program from a first hierarchical directory structure to a second nonhierarchical directory structure, such as OS/400, as Furman discloses that the porting ability of his invention may be applied to other OS's (paragraph 0005), thereby enabling a program written to be executed under one operating system to be executed under another OS.

Per claim 6:

The rejection of claim 1 is incorporated, and further, Furman does not explicitly disclose that the first platform is a Unix platform and that the second platform is an OS/400 platform. However, Furman does indicate that his invention is not limited to the specific embodiment outlined in the application, specifically wherein the first platform is a WOS and the second platform is a UOS. "For the remainder of this application, specific OS's and source codes are mentioned...it is noted that such specific language is not intended to diminish in any way from the general applicability of the invention to other OS's." (paragraph 0005). Furthermore, as discussed by the APA, the existence and use of the OS/400 operating system was well known to one of ordinary skill in the art at the time the invention was made. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to port a program from a first Unix platform to a second OS/400 platform, as Furman discloses that the porting ability of his invention may be applied to other OS's (paragraph 0005), thereby enabling a program written to be executed under one operating system to be executed under another OS.

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Per claim 20:

Note the rejection regarding claim 5.

Per claims 21 and 35:

Note the rejection regarding claim 6.

Per claim 32:

Furman teaches:

- a method of porting a program from a first platform to a second platform (“for providing seamless porting of source code originally written...for use under the Microsoft Windows operating system...to computers operating under other Operating Systems...” in the Abstract)
- converting filenames and a directory structure of the program from a first platform standard for the first platform to a second platform standard for the second platform (Note paragraph 0045 of the specification)
- storing the program for use with the second platform (“the files are sent to the second computer...” in paragraph 0011)
- wherein the first platform includes a hierarchical directory structure (“a Windows operating system (WOS)” in paragraph 0016)
- wherein the method is performed in a build environment (“wherein said compilation is initiated by using Microsoft’s Visual Studio” in claim 3. Visual Studio is a build environment.)

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substantially as claimed. Furman does not explicitly disclose that the second platform standard includes a nonhierarchical directory structure. However, Furman does indicate that his invention is not limited to the specific embodiment outlined in the application, specifically wherein the first platform is a WOS and the second platform is a UOS. "For the remainder of this application, specific OS's and source codes are mentioned...it is noted that such specific language is not intended to diminish in any way from the general applicability of the invention to other OS's." (paragraph 0005). Furthermore, as discussed by the APA, the existence and use of the OS/400 operating system, which consists of a nonhierarchical filesystem, was well known to one of ordinary skill in the art at the time the invention was made. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to port a program from a first hierarchical directory structure to a second nonhierarchical directory structure, such as OS/400, as Furman discloses that the porting ability of his invention may be applied to other OS's (paragraph 0005), thereby enabling a program written to be executed under one operating system to be executed under another OS.

Per claims 33 and 34:

Note the rejections regarding claims 2 and 3, respectively.

Per claims 36-43:

Note the rejections regarding claims 8-15, respectively.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
Art Unit 2124

TJR

Trent J Roche *Kakali Chaki*

**KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
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